

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.
Currently, claims 1-29 are pending in this application.

Double Patenting Rejection:

Claims 1-29 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of co-pending application no. 09/739,317 in view of Ernst (U.S. '133). Applicant respectfully traverses this rejection. The present application is an earlier filed parent application of application no. 09/739,317¹. Applicant has filed a Response in later-filed application no. 09/739,317 including a terminal disclaimer disclaiming a terminal part of any patent granted in the present application. A terminal disclaimer has thus been filed in the later-filed application.

MPEP §1490 indicates that if a provisional obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of two pending applications, the Examiner should withdraw the rejection and permit the earlier-filed application to issue as a patent without a Terminal Disclaimer. As noted above, claims 10-20, 23 and 27-29 are in full conformance with 35 U.S.C. §101. Also, Applicant submits that the rejection of claims 1-29 under 35 U.S.C. §103 is unjustified for the reasons discussed below. Accordingly, Applicant submits that the only rejection remaining in the present application (i.e., the earlier filed application) is the ODP rejection. Since Applicant has filed a terminal disclaimer in the later-filed application,

¹ Application no. 09/739,317 is a continuation-in-part (CIP) of the present application.

Applicant respectfully requests that the ODP rejection in the present application be withdrawn and permitted to issue as a patent without a terminal disclaimer.

Rejection Under 35 U.S.C. §103

Claims 1-29 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Jablonski (“On the Complementarity of Workflow Management and Business Process Modeling”, hereinafter “Jablonski”) in view of Schmidt et al. (“Extending Aspect-Oriented Programming In Order To Flexibly Support Workflows” -- cited in the IDS filed , hereinafter “Schmidt”). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitation must be taught or suggested by the prior art. The combination of Jablonski and Schmidt fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest: “iii) searching said at least one generic process pattern for the predetermined pattern contained by the at least one process aspect, iv) on detection of the predetermined pattern, inserting content from said at least one process aspect into the generic process pattern to generate a process plan and v) outputting the generated process plan, wherein an instruction coded into each of the at least one process aspect determines how content is merged from the process aspect into the generic process pattern at runtime of the generic process pattern,” as required by independent claim 1 and its dependents. Similar (but necessarily identical) comments apply to independent claim 10 and its dependents.

Pages 4-5 of the Office Action admit that Jablonski does not explicitly teach searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern,

inserting content from said at least one non-generic process element into the generic process plan to generate a process plan, and outputting the generated process plan, wherein an instruction coded into each of the at least one non-generic process element determines how content is merged from the non-generic process element into the generic process plan at runtime of the generic process plan.

Applicant submits that Schmidt fails to resolve the above admitted deficiency of Jablonski as applied to the presently claimed invention. In particular, page 5, lines 1-11 and Fig. 3 (specifically identified on page 3 of the Office Action) of Schmidt clearly fails to teach or suggest searching a generic process pattern for a predetermined pattern contained by a process aspect and inserting content from the process aspect into the generic process pattern on detection of the predetermined pattern. Page 5, lines 1-11 and Fig. 3 of Schmidt also fails to teach or suggest instructions for the insertion of said content in the step of inserting content are coded into the process aspect.

Accordingly, even if the teachings of Jablonski and Schmidt were combined as proposed by the Office Action, the combination would not have been taught or suggested all the claim limitations. Accordingly, Applicant respectfully requests the rejection of claims 1-29 under 35 U.S.C. §103 over Jablonski and Schmidt be withdrawn.

THOMPSON et al.
Application No. 09/589,200
December 21, 2007

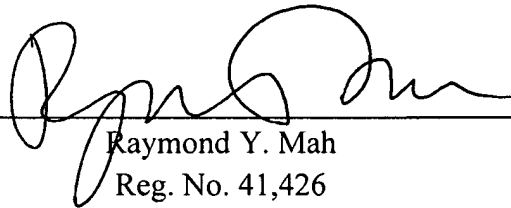
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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